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INFO RUCNFUR/DARFUR COLLECTIVE PRIORITY
RUEHKKH/AMEMBASSY KHARTOUM PRIORITY 0112
RUEHFR/AMEMBASSY PARIS PRIORITY 3274
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C O N F I D E N T I A L SECTION 01 OF 03 LONDON 002195

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TAGS: [PREL PHUM KANC SU UK](#)
SUBJECT: SUDAN: P-3 DISCUSSIONS ON SUDAN - ICC ISSUES

REF: PARIS POINTS - 8/21/2008

Classified By: Political Counselor Richard Mills, reasons 1.4 (b/d).

1.(C/NF) Summary. On August 22, UK, French, and U.S. representatives met in London to discuss ICC - Sudan issues. Capitals said their government was thinking of a two-stage approach to an Article 16 deferral as the most viable: stage one, Sudanese commitment to ICC jurisdiction; stage two, Sudanese commitment to ICC jurisdiction. UK Thinking -----

2.(C/NF) The UK delegation said HMG rejects any suggestion that an Article 16 deferral of Bashir's indictment de-legitimized the ICC. Article 16

3.(C/NF) In HMG estimation, the time at which the international community has the maximum leverage is just before the pre-trial ruling on the I

4.(C/NF) If an Article 16 does go forward, the UK will want it to be reviewed every four to six months (less than the 12-month maximum period c

5.(C/NF) HMG has not made any decisions regarding an Article 16 deferral; a final decision will be taken by Foreign Secretary Miliband, Development and Cooperation. French Thinking -----

6.(C/NF) The French delegation also confirmed that the GOF had not come to a decision, but said it was actively exploring options for an Article 16

7.(C/NF) The French delegation said they consider a two-stage approach to an Article 16 deferral as the most viable: stage one, Sudanese commitment to ICC jurisdiction; stage two, Sudanese commitment to ICC jurisdiction.

8.(C/NF) Addressing ICC legitimacy, the French delegation said P-3 should "bear in mind" the potential ramifications a Bashir indictment would have on the ICC. US Thinking -----

9.(C/NF) USG representatives confirmed that no decisions had been made on a potential Article 16 deferral, and when the time comes to make the decision, the US will want it to be reviewed every four to six months (less than the 12-month maximum period c). Next Steps -----

10.(C) The delegations agreed to remain in contact and to meet (possibly via video conference) in roughly two weeks. There was general consensus that the delegations would meet in London. Comment -----

11.(C/NF) The French are the most forward-leaning on an Article 16 deferral but they have the least experience in dealing with the NCP, as demonstrated by the French delegation's lack of knowledge of the NCP's position on the ICC.

12.(U) Delegations: UK: Michael O'Neill, FCO UK Special Representative for Sudan Harriet Moynihan, FCO Legal Adviser Paul Johnson, FCO International Law Director LeBaron